

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:12-cv-182-RJC**

THIS MATTER is before the Court upon receipt of a letter from Plaintiff Daron Patterson inquiring about service of process on Defendant Thomas Thompson, who is alleged in the Complaint to be a “Captain” with the Mooresville Police Department in Mooresville, North Carolina. Plaintiff states in the letter that he provided a summons form to the U.S. Marshal for service of process on Defendant Thompson, but that he has received no notification that Defendant has been served, nor is there any indication in the docket that Defendant Thompson has been served. (Doc. No. 8).

The Clerk of Court is directed to notify the United States Marshal that Defendant Thompson needs to be served with the summons and Complaint, in accordance with FED. R. CIV. P. 4, or notify the Clerk as to why Defendant Thompson cannot be served. If Defendant Thompson is no longer employed with the Mooresville Police Department, the U.S. Marshal shall be responsible for locating Defendant's home address so that he may be served. See Graham v. Satkoski, 51 F.3d 710, 713 (7th Cir. 1995) ("[O]nce the former prison employee is properly identified, the Marshals Service should be able to ascertain the individual's current address and, on the basis of that information, complete service."); see also 28 U.S.C. § 1915(d)

(stating that in actions brought in forma pauperis under § 1915(d), “[t]he officers of the court shall issue and serve all process, and perform all duties in such cases”); FED. R. CIV. P. 4(c)(3) (“At the plaintiff’s request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915 . . .”).

IT IS SO ORDERED.

Signed: July 9, 2013



Robert J. Conrad, Jr.
United States District Judge

